

SENATE BILL 1404

By Finney L

AN ACT to amend Tennessee Code Annotated, Title 8;
Title 12 and Title 39, relative to disposition of
public property

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-10-116, is amended by deleting the punctuation "." and by substituting instead the following language: "other than a sale authorized pursuant to § 12-2-201 or § 12-2-407."

SECTION 2. Tennessee Code Annotated, Section 12-2-201(b), is amended by deleting subdivision (2) in its entirety and by substituting instead the following language:

(2) For such sales, the provisions of § 12-2-202(b) do not apply. Notwithstanding the provisions of any law or § 12-2-208 to the contrary, any state, city or county officer, duly elected constable, employee or such person's agent may buy or offer to buy motor vehicles when such purchase is in the name of and for the use of a governmental entity, including duly elected constable.

SECTION 3. Tennessee Code Annotated, Section 12-2-407, is amended by deleting the subsection (a) in its entirety and by substituting instead the following language:

(a) The board shall promulgate regulations governing the transfer of surplus property to such governmental entities, including duly elected constables, and corporations organized and conducted not-for-profit which have been approved as authorized donees under the federal surplus property program. Such regulations shall include, but not be limited to, prices to be set on items of surplus property, restrictions on the resale and the reversion to the state of any profit realized from any such resale. A not-for-profit corporation must first be listed as an authorized donee under the federal surplus property program administered by the department of general services. As the

commissioner approves the declaration of property as surplus and assigns it for disposal, the commissioner shall set the price based on the fair market value for each item pursuant to the regulations of the board. Governmental entities, including duly elected constables, and authorized donees may purchase such items at the price set by the commissioner at such times, as specified by regulations of the board, prior to the date of disposal by another method. For all surplus property, governmental entities, including duly elected constables, and authorized donees shall retain possession of such property for one (1) year unless disposal is approved by the board. Transfers of surplus property shall be made at locations designated by the commissioner. Any transfer of motor vehicles, subject to the registration laws of this state, to a governmental entity, including a duly elected constable, or authorized donee, shall become null and void, and such property shall revert to the state if such governmental entity, including a duly elected constable, or authorized donee does not transfer the registration of title to such motor vehicle to its name within seven (7) days after the sale.

SECTION 4. Tennessee Code Annotated, Section 39-16-405, is amended by adding the following language as new subsection (b) and by redesignating the present language accordingly:

(b) This section shall not apply to duly elected constables purchasing property at a sale authorized pursuant to § 12-2-201 or § 12-2-407.

SECTION 5. This act shall take effect July 1, 2007, the public welfare requiring it.